REMARKS

Claims 1, 24, and 25 have been amended. Claims 1-25 are pending. A Petition for Extension of Time (three-months) and Request for Continued Examination are being filed concurrently herewith. Applicants respectfully request reconsideration of the above-referenced application in light of the amendments and following remarks.

Claims 1-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,107,637 ("Watanabe"), in view of U.S. Patent No. 5,872,862 ("Okubo"). The rejection is respectfully traversed.

The cited references do not teach or suggest the subject matter of amended independent claims 1, 24, and 25. The cited references do not disclose or suggest that an image portion that corresponds to the template is re-registered as a new template in place of the bitmap based on the design information. Independent claims 1, 24, and 25 have been amended to emphasize this difference.

Although Watanabe may disclose comparing SEM images and using a comparison image as a standard image, Watanabe does not disclose or suggest registering an SEM image as a template in place of CAD data. This is a significant difference between Applicants' claimed invention and Watanabe. Moreover, although Okubo may disclose performing pattern-matching between CAD data and a secondary electron image, Okubo fails to disclose or suggest registering an SEM image as a template in place of the CAD data. This is a significant difference between Applicants' claimed invention and Okubo. Thus, even if the references are combined, they do not disclose or suggest Applicants' claimed invention.

For example, Watanabe discloses switching from a comparison image to a standard image between data of the <u>same type</u>, e.g., from an SEM image to an SEM image. Watanabe, however, does not disclose or suggest switching between <u>different types</u> of data. In Applicants' claimed invention, the switching occurs between <u>different types</u> of data, e.g., from a CAD image to an SEM image. Similarly, Okubo does not disclose or suggest <u>replacing</u> one type of data with another type of data. Okubo merely compares data of different types. The proposed combination does not teach or suggest taking one set of data information and replacing it with a different type of data information.
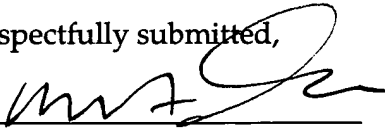
Moreover, there is no motivation to combine the cited references. Watanabe discloses switching between images of an originally identical pattern, e.g., from a comparison image to a standard image. Okubo, in contrast, merely uses data of a different type as the comparison image. There is no motivation in either reference to switch between different types of data for different images. Accordingly, the cited references do not disclose or suggest the concept of switching between different types of data, e.g., CAD data which is an ideal pattern, and the actual SEM image, which is expected to be clearly different from the idea pattern.

Claims 2-11, 15, and 19 depend from claim 1. Claims 12-14 depend from claim 11. Claims 16-18 depend from claim 15. Claims 20-23 depend from claim 19. All of the dependent claims should be allowable over the cited references for at least the reasons provided above with regard to independent claim 1, and on their own merits.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: January 27, 2005   Respectfully submitted,

By _____

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